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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUL 15 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of Sections 12)
and 19 of the Cable Television)
Consumer Protection and)
Competition Act of 1992)
)
Development of Competition)
and Diversity in Video)
Programming Distribution)
and Carriage)

MM Docket No. 92-265

To: The Commission

ERRATUM

Liberty Cable Company, Inc. yesterday filed an Opposition to Petitions For Reconsideration in the above-referenced proceeding. Upon reviewing the Opposition, it was discovered that the Attachment to the Opposition was inadvertently omitted. Accordingly, the Attachment is being submitted herewith, and it is respectfully requested that the subject Attachment be associated with Liberty Cable Company, Inc.'s Opposition To Petitions For Reconsideration.

Respectfully submitted,
LIBERTY CABLE COMPANY, INC.

By: 

Henry M. Rivera
Larry S. Solomon
GINSBURG, FELDMAN AND BRESS,
Chartered
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036
202-637-9000

ITS ATTORNEYS

Dated: July 15, 1993

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575 Madison Avenue, New York, New York 10022
(212) 891-7771 Fax (212) 891-7790

PETER O. PRICE
President

June 17, 1993

The Honorable
Robert Abrams
Attorney General
State of New York
120 Broadway, 25th Floor
New York, NY 10271

Dear Mr. Abrams:

Liberty Cable Television has for over one year requested Court TV for our SMATV system in New York. We have done so before The Cable Act of 1992, after passage of The Cable Act of 1992, and most recently after the FCC rulemaking to implement program access requirements of The Cable Act of 1992. In spite of these repeated requests Court TV, owned by Time Warner and other companies described as Primestar Partners L.P. in the recent Final Judgement prohibiting the withholding of programs from competitors, has consistently refused to sell Liberty Cable its programming based upon an illegal contract in restraint of trade.

Liberty Cable at great expense appealed to the New York City Department of Telecommunications and Energy to declare this blatantly discriminatory and anti-competitive behavior a violation of Time Warner's franchise. In spite of a Court mandated investigation of such conduct, and a persistent unwillingness of Time Warner to acknowledge any fault, the City of New York still refuses to recognize any violation of law by the defendant.

During this protracted litigation and refusal to deal with Liberty, Time Warner has mailed to its subscribers, and specifically to buildings where Liberty seeks to compete, the attached disparaging and blatantly unlawful material, asserting inter alia that "Time Warner Cable of New York City carries many program services not available with Liberty including ... Court TV." Such conduct flouts the spirit and the letter of the Final Judgement. Liberty requests that your office take immediate action to enforce the order of The District Court demand that Time Warner

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Experience: Crain's New York Business has noted that Liberty's chairman, Peter Price, "has no experience in cable. His record has been marked with less than stunning successes, including a bumpy tenure at the Post and at The National, the sports daily newspaper that ceased publication in 1991 amid huge losses."

Programming: Time Warner Cable of New York City offers 57 channels of Standard Plus service, compared to Liberty's 44-channel service. Time Warner Cable of New York City carries many program services not available with Liberty, including New York 1 News-- New York City's only all-news television channel, Court TV, Nostalgia Television, Cartoon Network, VISN, The Box, QVC, 9 municipal and public access channels, and 3 Time Warner Home Theatre pay-per-view channels.

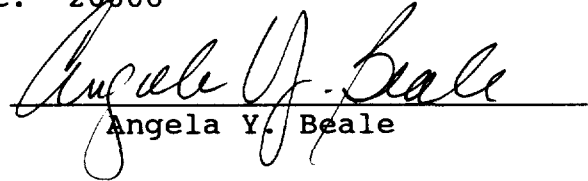
Contract Term and Price: Liberty typically seeks 5 or 10 year contracts and requires the building owners to subscribe to cable service for all building residents. Time Warner Cable of New York City normally charges only residents who want cable service and permits subscribers to cancel whenever they want. Also, Time Warner Cable of New York City offers bulk rates to buildings with 15 or more units. Our bulk rates are very competitive with Liberty's, particularly in view of the greater number of services that we offer.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Erratum were served, this 15th day of July, 1993, by U.S. mail, first-class postage prepaid, upon the following:

Robert D. Joffe, Esquire
Cravath, Swaine & Moore
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019

Richard E. Wiley, Esquire
Lawrence W Seacrest, III, Esquire
Philip Permut, Esquire
Wayne D. Johnsen
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006


Angela Y. Beale